

1004 Rec'd PCT/PTO 27 SEP 2005

Attorney Docket: 26963U

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U.S. Department Of Commerce, Patent And Trademark Office		Date: September 27, 2005
Transmittal Letter To The United States Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 U.S.C. 371		U.S. Appl. Number: (if known: Not Yet Assigned) <b>10/551049</b>
International Application No.: PCT/EP2004/050428	International Filing Date: 2 April 2004 (02.04.2004)	Priority Date Claimed: 4 April 2003 (04.04.2003) EP
Title of Invention: CYCLIC BENZIMIDAZOLES		
Applicant(s) for DO/EO/US: BUHR, Wilm; CHIESA, M., Vittoria; ZIMMERMANN, Peter, Jan		
<p>Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> <li><input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li><input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li><input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 USC 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li><input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)):             <ol style="list-style-type: none"> <li><input checked="" type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</li> <li><input type="checkbox"/> has been communicated by the International Bureau.</li> <li><input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</li> </ol> </li> <li><input type="checkbox"/> A English translation of the International Application as filed (35 U.S.C. 371(c)(2)).</li> <li><input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))             <ol style="list-style-type: none"> <li><input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau).</li> <li><input type="checkbox"/> have been communicated by the International Bureau.</li> <li><input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li><input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li><input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li><input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li><input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> <p><b>ITEMS 10 to 19 BELOW CONCERN OTHER DOCUMENT(S) OR INFORMATION INCLUDED:</b></p> <ol style="list-style-type: none"> <li><input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li><input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li><input checked="" type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li><input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment</li> <li><input type="checkbox"/> A substitute specification.</li> <li><input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li><input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter2 and 35 USC 1821 - 1825</li> <li><input type="checkbox"/> A second copy of the published international application under 35 USC 154(d)(4)</li> <li><input type="checkbox"/> A second copy of the English language translation of the international application under 35 USC 154(d)(4)</li> <li><input checked="" type="checkbox"/> Other items or information:            TRANSMITTAL LETTER; APPLICATION DATA SHEET; INTERNATIONAL PUBLICATION NUMBER: WO 2004/087701 A1, WITH THE INTERNATIONAL SEARCH REPORT (PCT/ISA/210); INTERNATIONAL PUBLICATION DATE: 14 OCTOBER 2004 (14.10.2004), WHICH CONSISTS OF 65 PAGES: 1 PAGE FOR THE COVER SHEET, WHICH CONTAINS THE ABSTRACT, 57 PAGES OF TEXTUAL SPECIFICATION WITH EMBEDDED FORMULAS AND TABLES, 7 PAGES OF 12 CLAIMS WITH EMBEDDED FORMULAS, 0 SHEETS OF DRAWINGS; <b>PRELIMINARY AMENDMENT WITH APPENDIXES A AND B TO BE EXAMINED</b>; EXECUTED DECLARATION AND POWER OF ATTORNEY; EXECUTED ASSIGNMENT AND RECORDATION COVER SHEET FIRST NOTICE INFORMING THE APPLICANT OF THE COMMUNICATION OF THE INTERNATIONAL APPLICATION TO THE DESIGNATED OFFICES (PCT/IB/308); INFORMATION CONCERNING ELECTED OFFICES NOTIFIED OF THEIR ELECTION (PCT/IB/332); NOTIFICATION CONCERNING SUBMISSION OR TRANSMITTAL OF PRIORITY DOCUMENT (PCT/IB/304); PCT REQUEST (PCT/RO/101); POSTCARD FOR EARLY NOTIFICATION OF THE SERIAL NUMBER REQUEST.         </li> </ol>		

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U.S. Application Number: (if known) No. Yr. Class. No.		International Application Number: PCT/EP2004/050428		Date: September 27, 2005			
<b>10/551049</b> The following fees are submitted:  21. Basic National Fee ..... \$ 300.00  22. Examination Fee If International Preliminary Examination Report prepared by USPTO and all claims satisfy Provisions of PCT Article 33(1)-(4) ..... \$ 100.00 All other situations ..... \$ 200.00  23. Search Fee (37 CFR 1.445(a)(2) has been paid on the International Application to the USPTO as an International Searching Authority ... \$ 100.00 International Search Report prepared and provided to the Office ..... \$ 400.00 All other situations ..... \$ 500.00  — Additional fee for specification and drawings filed in paper over 100 sheets (excluding Sequence listing or computer program listing filed in an electronic medium). The fee is \$ 250.00 for each additional 50 sheets of paper or fraction thereof.  ENTER APPROPRIATE BASIC FEE AMOUNT =				<b>CALCULATIONS</b> \$ 300.00   \$ 200.00   \$ 400.00   \$ 900.00		<b>PTO USE ONLY</b>	
				Surcharge of \$130.00 for furnishing the oath or declaration later than 20 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$ 0.00	
CLAIMS	NUMBER: FILED	NUMBER: EXTRA	RATE				
TOTAL	12-20=	0	X \$ 50.00	\$ 0.00			
INDEPENDENT	1-3=	0	X \$ 200.00	\$ 0.00			
Multiple dependent claims(s) (if applicable)			+ \$360.00	\$ 0.00			
TOTAL OF ABOVE CALCULATIONS =				\$ 900.00			
Reduction by 2 for asserting small entity, if applicable. (Note 37 CFR 1.9, 1.27, 1.28).				\$ 0.00			
SUBTOTAL =				\$ 900.00			
Processing fee of \$130.00 for furnishing the English translation later than 20 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +				\$ 0.00			
TOTAL NATIONAL FEE =				\$ 900.00			
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$ 40.00			
TOTAL FEES ENCLOSED =				\$ 940.00			
				Amount to be: refunded	\$		
				charged	\$		

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U.S. Application Number:  
(if known, not yet assigned)

10/551049

International Application  
Number: PCT/EP2004/050428

Date: September 27, 2005

- a. ☒ Two checks in the aggregate amount of \$ 900.00 to cover the above fees are enclosed.
- b. ☐ Please charge my Deposit Account Number: 14-0112 in the amount of \$ \_\_\_\_\_ to cover the above fees. (A duplicate copy of this sheet is enclosed.)
- c. ☒ The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account Number: 14-0112.
- d. ☐ Fees are to be charged to a credit card \_\_\_\_\_ WARNING: Information on this form may become public \_\_\_\_\_ Credit Card Information should not be included on this form.  
\_\_\_\_\_ Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed to request that the application be restored to pending status.

Send All Correspondence To:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

BUHR, et al.

Serial No.: Not Yet Assigned

Filed: September 27, 2005

Internatl. Appl. No.: PCT/EP2004/050428

Internatl. Filing Date: 2 April 2004 (02.04.2004)

Title: **CYCLIC BENZIMIDAZOLES**

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Application Data Sheet;
- (2) Transmittal Letter to U.S. Designated/Elected Office (DO/EO/US) Concerning Filing under 35 U.S.C. 371;
- (3) International Publication Number: WO 2004/087701 A1, with the International Search Report (PCT/ISA/210); International Publication Date: 14 October 2004 (14.10.2004), which consists of 65 pages:
  - 1 page for the Cover Sheet, which contains the Abstract,
  - 57 pages of Textual Specification with embedded formulas and tables,
  - 7 pages of 12 Claims with embedded formulas,
  - 0 sheets of Drawings;
- (4) **Preliminary Amendment with Appendixes A and B to be Examined;**
- (5) Executed Declaration and Power of Attorney;
- (6) Executed Assignment and Recordation Cover Sheet;
- (7) First Notice Informing the Applicant of the Communication of the International Application To The Designated Offices (PCT/IB/308);
- (8) Information Concerning Elected Offices Notified of Their Election (PCT/IB/332);
- (9) Notification Concerning Submission or Transmittal of Priority Document (PCT/IB/304);
- (10) PCT Request (PCT/RO/101);
- (11) Check No.: 23678 in the amount of \$ 900.00 for Basic Filing Fee, which includes the Search and Examination Fees, as a Large Entity;
- (12) Check No.: in the amount of \$ 40.00 for recordation fee;
- (13) Postcard for Early Notification of the Serial Number Request.

Respectfully submitted,  
NATH & ASSOCIATES PLLC

Date: September 27, 2005

By: 

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